

### REMARKS

Applicants respectfully request further examination and reconsideration in view of the above Claims. Claims 1-8 remain pending in the case. Claim 4 has been amended to correct informality. Claims 1-8 are rejected. No new matter has been added.

## REJECTIONS

### 35 U.S.C. 103(a)

Claims 1, 3, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Number 4,473,855 to Plotto et al., hereinafter referred to as “Plotto”, in view of United States Patent Number 6,396,667 to Zhang et al., hereinafter referred to as “Zhang”. Applicants have reviewed the cited references and respectfully submit that the embodiments of the present invention as recited in Claims 1-8 are not rendered unpatentable over Plotto in view of Zhang for the following rational.

### Claims 1 and 5

Applicants respectfully direct the Examiner to independent Claim 1 that recites, in part, that an embodiment of the present invention contains (emphasis added):

an attachment portion adapted for attachment to a suspension of a disk drive.

Claim 5 recites similar limitations as independent Claim 1.

**To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (MPEP 2143.03).**

In the current Office Action, the Examiner makes reference to Plotto and Zhang in supporting the grounds of rejection. However, Applicants do not understand Plotto alone or in combination with Zhang to teach the claimed feature “an attachment portion adapted for attachment to a suspension of a disk drive.” Specifically, the Examiner has cited Column 7, lines 17-21 of Plotto as teaching this claimed limitation.

Applicants disagree that this section of Plotto teaches or even suggests this limitation. In fact, this section of Plotto actually teaches away from this limitation. Specifically, in Column 7, lines 17-21 Plotto teaches “the device PROTECT is fastened by appropriate means, for example by riveting or by welding, to a plate PLAQ secured by means which are not shown to the carriage which carries the said platform. Plotto teaches the shroud attached to a plate which is coupled to the carriage which carries the platform which is different from attaching to the suspension, as claimed. Zhang fails to remedy the deficiencies of Plotto because, like Plotto, Zhang fails to teach or suggest “an attachment portion adapted for attachment to a suspension of a disk drive,” as claimed.

Plotto and the claimed invention contain an important difference. Applicants understand Plotto to purport to teach a system which includes magnet transducer platforms with protecting fairings. However, Applicants understand Plotto to teach a system in which the protective fairing device surrounds the suspension device and does not attach to it as claimed. Particularly, Applicants respectfully assert that Plotto fails to teach or suggest “an attachment portion adapted for attachment to a suspension of a disk drive,” (emphasis added) as claimed.

Moreover, the combination of Plotto and Zhang fails to teach or suggest this claim limitation because Zhang does not remedy the deficiencies of Plotto. Applicants understand Zhang to purport to teach an electromagnetic disc drive microactuator and suspension in which a protective fairing is neither taught nor suggested. Therefore, Applicants respectfully assert that Zhang fails to teach or suggest “an attachment portion adapted for attachment to a suspension of a disk drive,” (emphasis added) as claimed.

Applicants respectfully assert that nowhere do the teachings of Plotto and Zhang alone or in combination, teach or suggest, “an attachment portion adapted for attachment to a suspension of a disk drive,” (emphasis added) as recited in independent Claims 1 and 5 and that these claims overcome the rejection under 35 U.S.C. 103(a), and are thus in condition for allowance.

### Claims 3 and 7

Applicants agree that Plotto is silent as to the specific relationship set forth in Claims 3 and 7. However, Applicants submit that the Examiner has made a bare accusation that the range of “about 50 to 100 micrometers of the slider” is within the course of routine optimization and experimentation. Applicants respectfully submit that the range of “about 50 to 100 micrometers of the slider” is not within the course of routine optimization and experimentation and therefore request the Examiner provide support for this accusation. For this rational, Claims 3 and 7 are patentable over Plotto in view of Zhang and are in condition for allowance.

Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plotto in view of Zhang as applied to claims 1 and 5 above, and further in view of Severson (U.S. 5,549,365 B1). The rejection is respectfully traversed for the following rational.

As stated above, Applicants do not understand Plotto alone or in combination with Zhang to teach the claimed feature “an attachment portion adapted for attachment to a suspension of a disk drive.” Applicants submit that Severson fails to remedy the deficiencies of Plotto, alone or in combination with Zhang.

**To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (MPEP 2143.03).**

Applicants have reviewed Severson and do not understand Severson to teach or suggest “an attachment portion adapted for attachment to a suspension of a disk drive,” as claimed. In fact, the airflow control device of Severson teaches away from the claimed embodiment of the invention because it “is placed upstream from the head and forms a channel within which the head moves across the disk” (abstract). The airflow control device of Severson does not teach or suggest “an attachment portion adapted for

attachment to a suspension of a disk drive,” as claimed. As such, Claims 2 and 6 are patentable over Plotto in view of Zhang and Severson and are in condition for allowance.

Claims 1-3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosono (JP 03-069005) in view of Zhang. The rejection is traversed for the following rational.

According to the MPEP section 706.02 section II, “When both the abstract and the underlying document qualify as prior art, the underlying document should normally be used to support a rejection. In limited circumstances, it may be appropriate for the examiner to make a rejection in a non-final Office action based in whole or in part on the abstract only without relying on the full text document. In such circumstances, the full text document and a translation (if not in English) may be supplied in the next Office action. Whether the next Office action may be made final is governed by MPEP § 706.07(a). It appears the Examiner is relying on the Figures and translated version of the Abstract of Hosono to make the rejection. Since the Applicants do not understand Japanese, Applicants request an English translation of the Hosono reference since it may include teachings away from the invention that will preclude an obviousness rejection under 35 U.S.C. 103.

Figures 2, 3, 4, and 5 of Hosono are relied upon as teaching “shroud (31 or 11) affects transverse air from impinging upon the slider, allowing only limited airflow as opposed to the slider without the shroud covering.” Applicants request that the Examiner point out in these figures where this is taught or suggested, since Applicants do not understand Figures 2, 3, 4 and 5 to include text descriptions and the reference is in Japanese.

Furthermore, Figures 2, 3, 4 and 5 are relied upon as teaching “adapted for attachment to a suspension.” However, in the translated abstract, Hosono teaches the shielding body 31 is supported on the arm.” From the limited details of the translated abstract, Applicants submit that “supported” is very different from “attached,” as

claimed. For this rational, Claims 1-3 and 5-7 are patentable over Hosono in view of Zhang.

Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kosikawa (JP 01-158605) in view of Mei (U.S. 6,611,399 B1). The rejection is respectfully traversed for the following rational.

As stated previously, according to the MPEP section 706.02 section II, "When both the abstract and the underlying document qualify as prior art, the underlying document should normally be used to support a rejection. In limited circumstances, it may be appropriate for the examiner to make a rejection in a non-final Office action based in whole or in part on the abstract only without relying on the full text document. In such circumstances, the full text document and a translation (if not in English) may be supplied in the next Office action. Whether the next Office action may be made final is governed by MPEP § 706.07(a). It appears the Examiner is relying on the Figures and translated version of the Abstract of Kosikawa to make the rejection. Since the Applicants do not understand Japanese, Applicants request an English translation of the Kosikawa reference since it may include teachings away from the invention that will preclude an obviousness rejection under 35 U.S.C. 103.

For instance, Kosikawa is cited as teaching an airflow shroud. However, Applicants understand Kosikawa to teach a magnetic flux shroud (translated abstract). An airflow shroud is very different from a magnetic flux shroud. For this rational, Claims 4 and 8 are patentable over Kosikawa in view of Mei because Kosikawa alone or in combination with Mei fail to teach or suggest the claimed embodiments of the present invention.

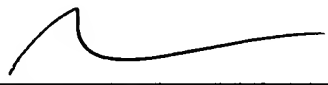
### CONCLUSION

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims. Based on the arguments presented above, Applicants respectfully assert that Claims 1-8 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims. The Examiner is invited to contact Applicants undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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